

ENTERED

May 24, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|-----------------------------|---|----------------------------|
| STARR INDEMNITY & LIABILITY | § | |
| COMPANY, | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. H-14-0725 |
| | § | |
| EXXON MOBIL CORPORATION, | § | |
| Defendant. | § | |

MEMORANDUM AND ORDER

This insurance coverage dispute is before the Court on the Motion to Lift Stay and Transfer [Doc. # 39] filed by Starr Indemnity & Liability Company (“Starr”), to which Exxon Mobil Corporation (“Exxon”) filed a Response [Doc. # 40], and Starr filed a Reply [Doc. # 43]. Based on the Court’s review of the record, the Court **denies** the Motion to Lift Stay and Transfer

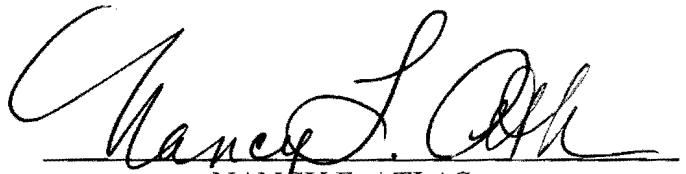
In this lawsuit, Starr seeks a declaratory judgment that Exxon is not an additional insured under insurance policies it issued to Savage Refinery Services, LLC (“Savage”). By Memorandum and Order [Doc. # 32] entered September 17, 2014, the Court stayed and administratively closed this case pending a final decision in the related state court lawsuit, *Roberts v. Exxon Mobil Corp.*, Cause No. 2013-03033 (the “*Roberts Suit*”), filed by a Savage employee injured while working at the Exxon Baytown Refinery. Starr asks the Court to lift the stay because the state district court

in the *Roberts* Suit has entered final judgment. Additionally, Starr asks the Court to transfer this case to the docket of the Honorable David Hittner to be consolidated with *ExxonMobil Corp. v. Starr Indemnity & Liability Co.*, Civil Action No. H-15-1555 (the “*Exxon* Suit”). One of the many issues in the *Exxon* Suit is whether Exxon is an additional insured under the Starr insurance policies issued to Savage.

The *Roberts* Suit is currently on appeal to the First Court of Appeals, and therefore, the rulings in that case are not yet final. Because the *Roberts* Suit has not reached final conclusion, it is hereby

ORDERED that the Motion to Lift Stay and Transfer [Doc. # 39] is **DENIED**. Any request for this lawsuit to be consolidated into the *Exxon* Suit should be directed to Judge Hittner, who previously denied Starr’s request to transfer the *Exxon* Suit to the undersigned.

SIGNED at Houston, Texas, this 24th day of **May, 2016**.


NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE